—— —— —— ——	DISTRICT OF PENNSYLVANIA		
NATIONAL INDOOR FOOTBALL)		
LEAGUE, L.L.C.)	115	2 7
Plaintiff,)		5
v.) CIVIL ACTION NO.: (02-054	[<u>წ</u>]
R.P.C. EMPLOYER SERVICES, INC., and DANIEL J.) JUDGE DONETTA W. AN	MBROSE	2
D'ALIO,)		
Dafandanta	1		

MOTION TO EXCUSE ATTENDANCE AT STATUS/SETTLEMENT CONFERENCE

AND NOW, comes Michael J. Seymour, Co-Counsel for R.P.C. Employer Services, Inc. and Daniel J. D'Alio, Defendants and requests the Court to excuse the physical presence of the representative of the insurance carrier at the Status/Settlement Conference and in support thereof avers as follows:

- 1. By notice of Chief Judge Ambrose, a Status/Settlement Conference has been scheduled in the above-captioned case before the Honorable Arthur J. Schwab for November 28, 2005 at 8:00 a.m. in Courtroom 7C, 7th Floor, United States Courthouse, 700 Grant Street, Pittsburgh, PA.
- 2. That the notice further provided any other necessary representative of the insurance carrier with full settlement authority of entire policy limits shall be physically present.
- 3. The insurance carrier in question is Utica Mutual Insurance Company located in Utica, New York and the representative is Dana Gucciardi, who is also located in Utica,

New York.

- 4. That in the event necessary, the said Dana Gucciardi will be available by telephone on the date and at the time of the Status/Settlement Conference for discussion of any settlement proposals.
- 5. That to date the Defendants have not received the damage information Ordered by Judge Ambrose on July 18, 2005 and, therefore, are not able to evaluate the Plaintiff's claim for damages.

WHEREFORE, Defendants request that the physical presence of Dana Gucciardi at the Status/Settlement Conference scheduled for November 28, 2005 be excused.

FECZKO AND SEYMOUR

Michael J. Seymour, Esquire Co-Counsel for Defendants

PA I.D. No. 00260 Feczko and Seymour

Firm I.D. #003 310 Grant Street

Suite 520 Grant Building

Pittsburgh, PA 15219

(412) 261-4970

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I served a true and correct copy of the within Motion to Excuse Attendance at Status/Settlement Conference upon the following by first class, postage prepaid mail on the day of November, 2005 at the following addresses:

Timothy C. Leventry, Esquire

LEVENTRY, HASCHAK, RODKEY & KLEMENTIK, LLC

1397 Eisenhower Boulevard
Richland Square III, Suite 202
Johnstown, PA 15904
(Attorney for Plaintiff)

Bernard C. Caputo, Esquire Fort Pitt Commons Building Suite 260 445 Fort Pitt Boulevard Pittsburgh, PA 15219 (Attorney for Defendant)

The Honorable Arthur J. Schwab Courtroom 7C 7th Floor, United States Courthouse 700 Grant Street, Pittsburgh, PA 15219

> Michael J. Seymour, Esquire Co-Counsel for Defendants

PA I.D. No. 00260 Feczko and Seymour Firm I.D. #003 310 Grant Street Suite 520 Grant Building Pittsburgh, PA 15219 (412) 261-4970